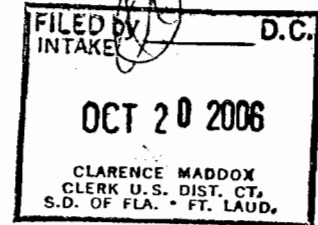


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA



CASE NO. 05-10009-CR-MOORE(s)

18 U.S.C. § 371

8 U.S.C. § 1324(a)(2)(B)(ii)

18 U.S.C. § 111(a)(1)

8 U.S.C. § 1324(a)(1)(A)(ii)

8 U.S.C. § 1324(a)(1)(A)(iii)

UNITED STATES OF AMERICA

vs.

GEOFFREY RODRIGUES,  
ROBERTO YOSVANY HERNANDEZ,  
GUSTAVO "GUS" DOMINGUEZ,  
RAMON BATISTA, and  
GUILLERMO VALDEZ,

Defendants.

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SUPERSEDING INDICTMENT

The Grand Jury charges that:

COUNT 1

From in or about July 2004, the exact date being unknown to the Grand Jury, and continuing through on or about November 19, 2004, in Monroe and Miami-Dade Counties, in the Southern District of Florida, and elsewhere, the defendants,

GEOFFREY RODRIGUES,  
ROBERTO YOSVANY HERNANDEZ,  
GUSTAVO "GUS" DOMINGUEZ,  
RAMON BATISTA, and  
GUILLERMO VALDEZ,

did knowingly and willfully combine, conspire, confederate, and agree with other persons known and unknown to the Grand Jury, to commit offenses against the United States, that is:

(A) to bring aliens to the United States, knowing and in reckless disregard of the fact that such aliens had not received prior official authorization to come to, enter, and reside in the United States, regardless of any official action which may later be taken with respect to such aliens for the purpose of commercial advantage and private financial gain, in violation of Title 8, United States Code, Section 1324(a)(2) and 1324(a)(2)(B)(ii) and;

(B) to knowingly and in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, to transport, or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law, for the purpose of commercial advantage or private financial gain, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(I); and

(C) to knowingly and in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, to conceal, harbor, or shield from detection such alien in any place, including any building or any means of transportation, for the purpose of commercial advantage or private financial gain, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(I).

#### **PURPOSE AND OBJECT OF THE CONSPIRACY**

It was the purpose and object of the conspiracy for the defendants to enrich themselves by smuggling Cuban nationals who were prospective major league baseball players and other Cuban nationals into the United States.

#### **MANNER AND MEANS USED TO ACCOMPLISH THE CONSPIRACY**

The manner and means by which the defendants sought to accomplish the purpose and object of the conspiracy included, but were not limited to, the following:

1. **GUSTAVO "GUS" DOMINGUEZ** was a sports agent and the Vice-President of a corporation in California that specialized in the representation of professional baseball players.
2. **GUSTAVO "GUS" DOMINGUEZ** and co-conspirators caused to be solicited and solicited prospective major league baseball players in Cuba with the intent to bring them illegally into the United States.
3. **GEOFFREY RODRIGUES** and **ROBERTO YOSVANY HERNANDEZ** were the masters and operators of go-fast boats or vessels that were used in two separate smuggling ventures with the intent to bring the baseball players and other Cuban nationals into the United States.
4. When the smuggled Cuban nationals arrived in the United States, co-conspirators separated the baseball players from the other Cuban nationals.
5. Co-conspirators failed to disclose the locations and identities of the baseball players to the Immigration and Customs Enforcement when the baseball players first arrived in the United States.
6. **RAMON BATISTA** and **GUILLERMO VALDEZ** transported the baseball players from Florida to California in a rented van.
7. **GUILLERMO VALDEZ** was responsible for the training and conditioning of the baseball players once they arrived in California.
8. **RAMON BATISTA** was responsible for providing meals, equipment, and clothing to the baseball players.
9. **GUSTAVO "GUS" DOMINGUEZ** authorized payment for the housing, meals, equipment, and clothing for the baseball players.
10. **GUSTAVO "GUS" DOMINGUEZ** financed the smuggling ventures and distributed proceeds to pay co-conspirators for their participation in the scheme.

### OVERT ACTS

In furtherance of the conspiracy and to achieve the purpose thereof, at least one of the conspirators committed or caused to be committed, in the Southern District of Florida, and elsewhere, at least one of the following overt acts, among others:

1. On or about July 13, 2004, **GUSTAVO "GUS" DOMINGUEZ** caused a wire transfer to be drawn on the account of a person known to the Grand Jury as H.B. at Commercial Capital Bank, Account No. 141-051-094 made payable to a person known to the Grand Jury as Y.M.S. in the amount of fifty thousand dollars (\$50,000).

2. On or about July 20, 2004, **GUSTAVO "GUS" DOMINGUEZ**, caused a wire transfer to be drawn on the account of a person known to the Grand Jury as H.B. at Commercial Capital Bank, Account No. 141-051-094 made payable to a person known to the Grand Jury as Y.M.S. in the amount of fifty thousand dollars (\$50,000).

3. On or about July 21, 2004, **GUSTAVO "GUS" DOMINGUEZ**, caused a wire transfer to be drawn on the account of a person known to the Grand Jury as H.B. at Commercial Capital Bank, Account No. 141-051-094 made payable to **RAMON BATISTA**, in the amount of one thousand five hundred dollars (\$1,500).

4. On or about July 24, 2004, **GUSTAVO "GUS" DOMINGUEZ**, caused an apartment to be leased from Oakwood Apartments at Woodland Hills, California.

5. On or about July 28, 2004, **GEOFFREY RODRIGUES**, boarded approximately twenty-two (22) Cuban nationals on a 28' vessel.

6. On about July 28, 2004, **GEOFFREY RODRIGUES** traveled on the high seas aboard a 28' vessel bearing Florida Registration Number FL5005MK, and containing approximately twenty-two (22) Cuban nationals.

7. On or about July 28, 2004, **GEOFFREY RODRIGUES** repeatedly attempted to evade a Customs and Border Protection vessel while at sea aboard the 28' vessel.

8. On or about August 22, 2004, **ROBERTO YOSVANY HERNANDEZ** boarded approximately nineteen (19) Cuban nationals on a vessel of unknown size.

9. On about August 22, 2004, **ROBERTO YOSVANY HERNANDEZ** traveled on the high seas aboard a vessel of unknown size containing approximately nineteen (19) Cuban nationals.

10. On or about August 22, 2004, **RAMON BATISTA** rented two (2) vans from AVIS at 2230 N.W. 27<sup>th</sup> Avenue, Miami, Florida.

11. On or about August 23, 2004, **RAMON BATISTA** and **GUILLERMO VALDEZ** began traveling from Miami, Florida to Los Angeles, California with aliens.

12. On or about September 3, 2004, **GUSTAVO "GUS" DOMINGUEZ**, caused a wire transfer to be drawn on the account of a person known to the Grand Jury as H.B. at Commercial Capital Bank, Account No.141-051-094 made payable to a person known to the Grand Jury as L.M. in the amount of twenty five thousand dollars (\$25,000).

All in violation of Title 18, United States Code, Section 371.

#### **COUNTS 2-23**

On or about July 28, 2004, upon the high seas and out of the jurisdiction of any particular State or district, with Monroe County, in the Southern District of Florida, being the first district where the offenders were brought, the defendants,

**GEOFFREY RODRIGUES and  
GUSTAVO "GUS" DOMINGUEZ,**

did knowingly attempt to bring aliens, named below, to the United States for the purpose of commercial advantage and private financial gain, as set forth below in Counts 2 through 23, knowing and in reckless disregard of the fact that such aliens had not received prior official authorization to

come to, enter and reside in the United States, regardless of any official action which might later be taken with respect to such aliens:

<u>COUNT</u>	<u>ALIEN</u>
2	Roberto Abreu-Alvarez
3	Maria-Amalia Alvarez-Oliva
4	Boris Rolo Barrachina
5	Francisely Bueno-Trueba
6	Osbek Castillo-Perez
7	Domirys Contreras-Ferreira
8	Ignacio Figueredo-Gomez
9	Yamaris Gill-Quesada
10	Allen Guevara-Perez
11	Edelberto Hernandez-Orijuela
12	Manuel Marquez-Vasquez
13	Osmany Masso-Arredondo
14	Ivet Nurquez-Alvarez
15	Jose Nurquez-Alvarez
16	Jorge Luis Perez
17	Zulgidy Rodrigues-Miranda
18	Daysi Trueba-Brown
19	Yoankis Turino-Montalno
20	M.R.N. (minor)
21	Y.H.B. (minor)

22

**A.M.A. (minor)**

23

**R.P.A. (minor)**

All in violation of Title 8, United States Code, Sections 1324(a)(2), 1324(a)(2)(B)(ii) and Title 18, United States Code, Section 2.

**COUNT 24**

On or about July 28, 2004, upon the high seas and out of the jurisdiction of any particular State or district, with Monroe County, in the Southern District of Florida, being the first district where the offenders were brought, the defendant,

**GEOFFREY RODRIGUES,**

did forcibly assault, resist, oppose, impede, and interfere with United States Immigration and Customs Enforcement officers and employees, persons designated in Title 18, United States Code, Section 1114, while such officers and employees were engaged in and on account of the performance of their official duties, and in the commission of these acts used a deadly and dangerous weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b).

**COUNTS 25-43**

On or about August 22, 2004, in Monroe County, in the Southern District of Florida, the defendants,

**GUSTAVO "GUS" DOMINGUEZ and  
ROBERTO YOSVANY HERNANDEZ,**

did knowingly bring aliens, named below, to the United States for the purpose of commercial advantage and private financial gain, as set forth below in Counts 25 through 43, knowing and in reckless disregard of the fact that such aliens had not received prior official authorization to come to, enter and reside in the United States, regardless of any official action which might later be taken with respect to such aliens:

<u>COUNT</u>	<u>ALIEN</u>
25	Roberto Abreu-Alvarez
26	Edelberto Hernandez-Orihuela
27	Boris Rolo Barrachina
28	Francisely Bueno-Trueba
29	Osbek Castillo-Perez
30	Domirys Contreras-Ferreira
31	Ignacio Figueredo-Gomez
32	Yamaris Gil-Quesada
33	Allen Guevara-Perez
34	Manuel Marquez-Vasquez
35	Osmany Masso-Arredondo
36	Ivet Nurquez-Alvarez
37	Jose Nurquez-Alvarez
38	Jorge Luis Perez
39	Daysi Trueba-Bueno
40	Yoankis Turino-Montalno
41	Y.H.B. (minor)
42	A.M.A. (minor)
43	M.R.N. (minor)

All in violation of Title 8, United States Code, Sections 1324(a)(2), 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.



**COUNT 44-48**

From on or about August 22, 2004 and continuing through on or about November 19, 2004, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**GUSTAVO "GUS" DOMINGUEZ,  
RAMON BATISTA, and  
GUILLERMO VALDEZ,**

did knowingly and in reckless disregard of the fact that aliens, named below, had come to and entered and remained in the United States in violation of law, transported and moved such aliens within the United States, by means of transportation and otherwise, in furtherance of such violation of law:

**COUNT**

**ALIEN**

**44**

**Osmany Masso-Arredondo**

**45**

**Allen Guevara-Perez**

**46**

**Francisely Bueno-Trueba**

**47**

**Osbek Castillo-Perez**

**48**

**Yoankis Turino-Montalno**

All in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(ii).

**COUNT 49-53**

From on or about August 22, 2004 and continuing through on or about November 19, 2004, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**GUSTAVO "GUS" DOMINGUEZ,  
RAMON BATISTA, and  
GUILLERMO VALDEZ,**

did knowingly and in reckless disregard of the fact that aliens, named below, had come to and entered and remained in the United States, in violation of law, conceal, harbor, and shield from detection such

aliens in any place, including any building and any means of transportation:

COUNT

ALIEN

49

Osmany Masso-Arredondo

50.

Allen Guevara-Perez

51.

Francisely Bueno-Trueba

52

Osbek Castillo-Perez

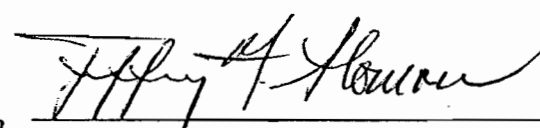
53

Yoankis Turino-Montalno

All in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(ii).

A TRUE BILL

  
FOREPERSON

  
R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

  
BENJAMIN DANIEL  
ASSISTANT UNITED STATES ATTORNEY